



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**October 13, 2004**

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**SUBJECT:**                    **2004-0736 - Banjara Indian Cuisine** [Applicant]  
                                 **Dubrovnik Associates, Inc., Et Al** [Owner]: Application on a  
                                 17,860 square foot site. The property is located at **407**  
                                 **Town and Country** in a DSP/1A (Downtown Specific Plan /  
                                 Block 1A) Zoning District. (APN: 209-07-014):

Motion                    **Special Development Permit** to allow the expansion of  
                                 hours of operation for dancing and entertainment.

**REPORT IN BRIEF**

**Existing Site**            Restaurant

**Conditions**

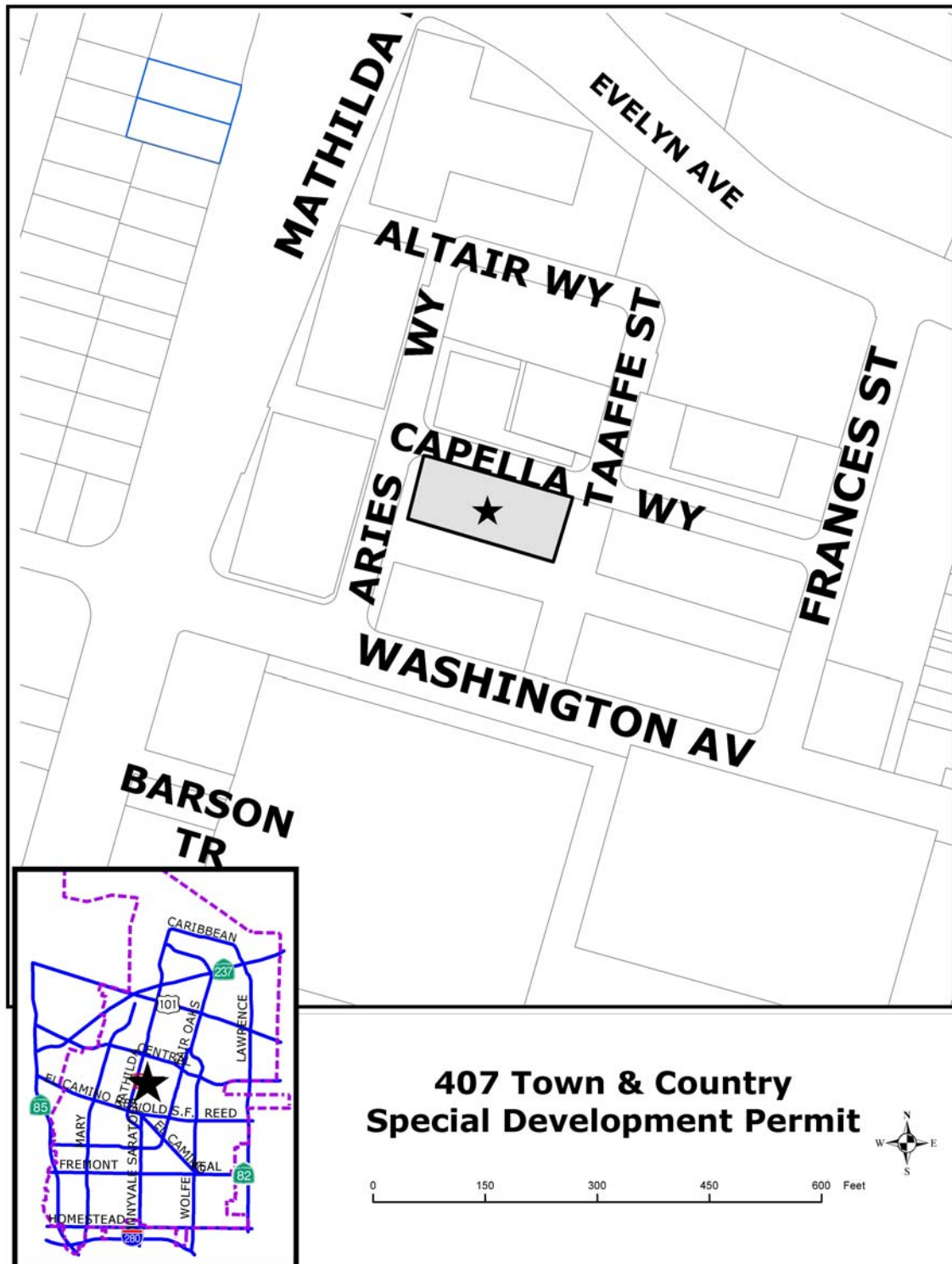
**Surrounding Land Uses**

North	Town and Country Village Shopping Center
South	Town and Country Village Shopping Center
East	Town and Country Village Shopping Center
West	Professional/Medical Office

**Issues**                    Compatibility of Use

**Environmental**        A Class 1 Categorical Exemption relieves this project  
**Status**                    from California Environmental Quality Act provisions  
                                 and City Guidelines.

**Staff**                    Approve with conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Downtown Specific Program	Same	Same
<b>Zoning District</b>	Downtown Specific Plan 1A	Same	Same
<b>Lot Size (s.f.)</b>	17,860 s.f.	Same	by Special Development Permit
<b>Gross Floor Area (s.f.)</b>	17,716 s.f.	Same	by Special Development Permit
<b>Tenant Space</b>	6,400 s.f.	Same	by Special Development Permit
<b>Lot Coverage (%)</b>	99%	Same	by Special Development Permit
<b>Floor Area Ratio (FAR)</b>	99%	Same	by Special Development Permit
<b>No. of Buildings On-Site</b>	1	Same	---
<b>Building Height (ft.)</b>	16'	Same	125' max.
<b>No. of Stories</b>	1	Same	9 max.
<b>Setbacks</b>			
<b>Building Setbacks</b>	0	Same	By Special Development Permit
<b>Landscaping (sq. ft.)</b>			
• <b>Total Landscaping</b>	0	Same	N/A for Town & Country Village

Parking			
• <b>Total No. of Spaces</b>	Downtown Parking District	Same	Downtown Parking District

## ANALYSIS

### Background

**Previous Actions on the Site:** There are no previous planning permits related to the subject site.

### Description of Proposed Project

The application is for a Special Development Permit to allow the extension of hours of operation for dancing and entertainment within an existing restaurant until 1am on the weekends. The proposal does not involve any tenant improvement to the building. No exterior modifications or site improvements are proposed at this time. The project is located within Downtown Specific Plan Block 1A Zoning District which requires a Special Development Permit for establishments that offer entertainment.

### Environmental Review

Staff conducted a review of potential environmental impacts for the project and determined that the project is categorically exempt from environmental review in accordance with the California Environmental Quality Act. Class 1 Categorical Exemptions include changes of use.

### Special Development Permit

**Use:** The proposed use is for the expansion of hours and to allow dancing and entertainment within an existing restaurant. The current hours for the restaurant are as follows: Monday – Thursday 11:30am – 10:00pm (closed from 3pm to 5:30pm), Friday – Sunday 11:30am – 10:30pm (closed from 3pm to 5:30 pm). The restaurant proposes to be open until 1:00am on Fridays, Saturday, and Sundays. The current use already has obtained a permit from the Department of Alcohol and Beverage Control to sell alcohol at the site. Though there is no specific special development permit authorizing sale of alcohol, the requirement by the City to require a permit for this use within this Zoning district was instituted after the use was already occurring by a previous restaurant tenant; therefore, no permit is necessary.

**Site Layout:** The subject site is located on Town and Country Lane within the Town and Country Village Shopping Center. The 6,400 square foot tenant space lies at the western end of the building adjacent to Josline's Caribbean Café. There are no proposed changes to the site layout.

**Floor Plan:** The existing floor plan includes a dining area around the proposed open area for dancing and entertainment. The kitchen and restroom areas are located towards the rear of the building. A bar is also located in front of this area. Tables may be relocated during the evening hours to accommodate this open area.

**Architecture:** There are no architectural changes proposed for this project. However, staff is recommending Condition of Approval #9 that requires that the building façade be kept and maintained in good condition.

**Landscaping:** The Town and Country Shopping Center has minimal landscaping on private property. There is no opportunity for additional landscaping.

**Parking/Circulation:** The project is located within the Downtown Parking District. The parking required for the proposed use would be provided by the spaces located within the Downtown Parking District.

### **Compliance with Development Standards**

The proposed project meets all required development standards, as approved for the Town and Country Village.

### **Downtown Specific Plan**

The project site is located within the Downtown Specific Plan in the North of Washington, Block 1A. Along with the Murphy Avenue Heritage District, this area constitutes the central entertainment place of the downtown. Block 1A allows a mix of uses including restaurants and similar entertainment type uses with a Special Development Permit.

### **Expected Impact on the Surroundings**

The proposed expansion of hours and entertainment use will not have any significant impact to the surrounding area because the use is appropriately located within a downtown area where no residential uses are impacted. There will be no additional noise impacts to the area as the use occurs completely indoors. The proposed use is similar to other establishments within the nearby vicinity.

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**Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to 19 adjacent property owners and tenants of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Alternatives**

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1. Approve the Special Development Permit with conditions.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

**Recommendation**

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Recommend Alternative 1.

Prepared by:

Ryan M. Kuchenig  
Project Planner

Reviewed by:

Diana O'Dell  
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Floor Plans

### **Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

#### **Downtown Specific Plan**

**G. GEN-10-** *To establish the downtown as the cultural, retail, financial, and entertainment center of the community complemented by employment, housing, and transit opportunities.*

The proposal would provide additional entertainment opportunities for visitors of the downtown district. The project is located downtown with close proximity to public transit opportunities and a major employment and retail center.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the restaurant is an existing use. A number of nearby restaurant establishments in the area offer similar uses including entertainment and sale of alcohol. Staff has consulted with the Department of Public Safety and determined that the proposed use does not cause a significant concentration of similar entertainment uses. There are no proposed changes to façade or architecture of the building.



**Recommended Conditions of Approval - Special Development Permit**

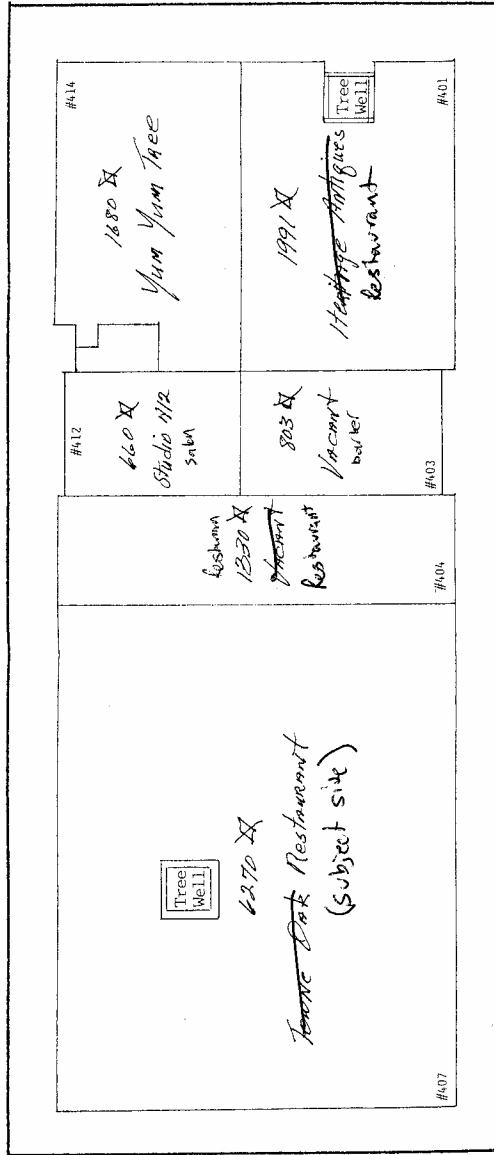
In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. The Special Development Permit shall expire two years from the date of approval by the final review authority if not executed or if the use is discontinued for a period of one year or more.
2. Hours of operation shall be limited to the following hours:  

Monday - Thursday – open until 10pm  
Friday, Saturday & Sunday – open no later than 1am
3. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.
4. The applicant shall obtain a liquor license for the sale of beer and wine from the Department of Alcohol and Beverage Control.
5. Outdoor loud speakers shall be prohibited.
6. As required by code, the proposed use shall comply with the requirements of the Noise Ordinance.
7. Interior lighting shall remain on during business hours.
8. The property shall remain clear and free from debris and garbage.
9. The building façade shall be maintained in good condition.

CAPELLA WAY



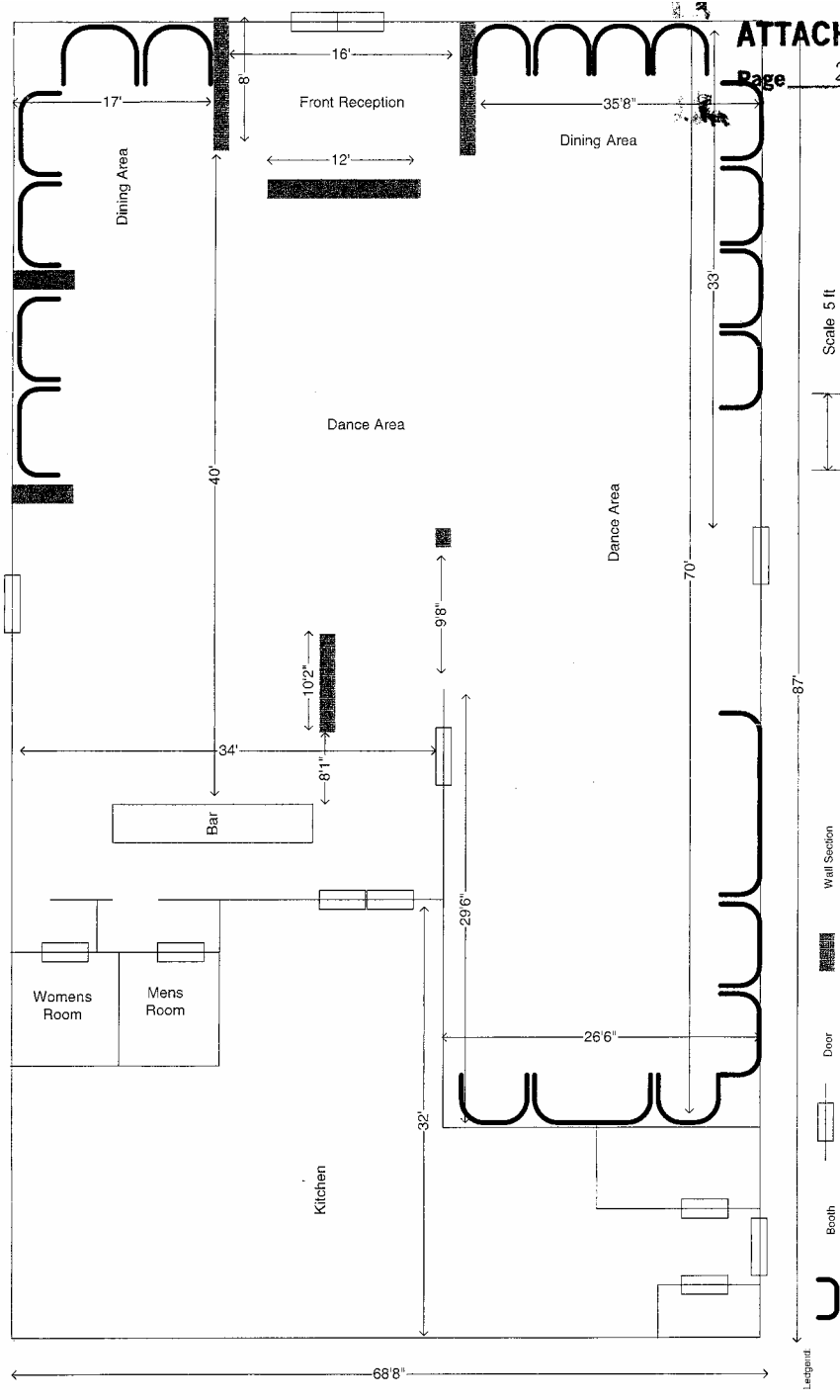
UNIT NO. 4  
TOWN & COUNTRY VILLAGE  
SUNNYVALE, CALIFORNIA

UNIT NO. 4  
TOWN & COUNTRY VILLAGE  
SUNNYVALE, CALIFORNIA

EXHIBIT A

or Plan  
11 Sept 04

Banjara Indian C  
407 Town & Country Village, Sunnyvale CA



Legend: Booth, Door, Wall Section, Scale 5 ft